

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS O'CONNELL,

Defendant.

**CR-20-70-GF-BMM-1**

**ORDER**

**INTRODUCTION**

Defendant Thomas O'Connell filed a second motion for the early termination of his supervised release on May 2, 2024. (Doc. 84.) The government opposes O'Connell's motion. (Doc. 85.) The Court conducted previously a motion hearing concerning O'Connell's first motion for the early termination of his supervised release on December 6, 2023. (Doc. 83.) The Court ordered O'Connell to provide documents and information substantiating his claim that he would be allowed to do contract work if O'Connell's supervised release was terminated early. (*Id.*) O'Connell has failed to do so.

A defendant may move for the termination of their supervised release after successfully completing one year's supervision, so long as the Court is satisfied that

termination remains “warranted by the conduct of the defendant and the interest of justice.” 18 U.S.C. § 3583(a). The Court must consider the factors set forth in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of supervised release. Title 18 of the U.S. Code, section 3553(a) provides that relevant factors include: “the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; [and] the need for the sentence imposed to afford adequate deterrence to criminal conduct,” amongst other factors. 18 U.S.C § 3553(a).

O’Connell pleaded guilty to willful failure to pay over employment taxes, in violation of 26 U.S.C. § 7202. (Doc. 5). The Court sentenced O’Connell to 9 months of custody with 3 years of supervised release to follow. The government advises that O’Connell began his term of supervised release on November 4, 2022. (Doc. 78 at 2.) The Court calculates that O’Connell has served approximately 1 year and 7 months of his 3-year term of supervised release, or approximately 53%.

O’Connell advises that he has been compliant with the terms of his supervision. (*See* Doc. 76 at 1); (Doc. 84 at 1.) O’Connell further reports that he has maintained gainful employment and that he is not a risk to the community. (Doc. 84 at 1.) The Court determines that the § 3553(a) factors support the early termination of O’Connell’s term of supervised release.

**ORDER**

Accordingly, **IT IS ORDERED:**

1. O'Connell's motions for the early termination of his supervised release (Doc. 76); (Doc. 84) are **GRANTED**.

DATED this 4th day of June 2024.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court